



## **EXECUTIVE OFFICER'S REPORT**

**North Coast Regional Water Quality Control Board**

**June 9-10, 2022**

### **Statewide Cannabis Cultivation Program Report to the Executive Director and North Coast Cannabis Program Highlights**

***Kason Grady, David Kuszmar, Mona Dougherty***

The latest statewide Cannabis Cultivation Program's Report to the State Water Board's Executive Director (ED Report) was issued in April 2022. The ED Report is produced on a semi-annual basis and provides a broad overview of ongoing regulatory and enforcement activities undertaken by the Water Boards to address potential impacts of cannabis cultivation across the state.

A full copy of the statewide Cannabis Cultivation Program's ED Report appears at the end of this article. In addition to that ED Report, the following supplemental highlights and updates are specific to staff's implementation of the Cannabis Cultivation Program in the North Coast Region.

There are currently more than 3,300 Cannabis Cultivation General Order enrollments in the North Coast Region, which account for approximately 52% of all enrollments statewide. Given such a high level of participation in the Water Boards' cannabis cultivation waste discharge regulatory program in the North Coast Region, staff necessarily engage in various activities associated with enrolled cannabis cultivation sites despite the fact that, due to lack of adequate staffing, such activities have generally been de-prioritized across the state in favor of an increased focus on enforcement of illegal cannabis cultivation sites.

Statewide metrics presented in the ED Report capture some – but not all – of the important water quality protection work undertaken by staff in the North Coast Region. For example, in 2021 staff processed and issued 87 Clean Water Act Section 401 water quality certifications, or equivalent waste discharge requirements (WDRs) for proposed instream restoration and repair work at cannabis cultivation sites. Work conducted under these permits is often associated with road and stream crossing upgrades in rural areas, thus helping to address one of the primary sources of sediment identified in Total Maximum Daily Loads for many watersheds in the North Coast Region. These 87 certifications/WDRs included 395 instream work projects with the following totals: 15 pond removals, 259 stream crossing upgrades, 46 new stream crossing installations, decommissioning of 42 stream crossings, and 22 other projects including stream diversion upgrades, installations, removals, and stream channel restoration. These

projects resulted in 16,061 linear feet of stream channel and associated road network improvements.

Other accomplishments by North Coast Cannabis Program staff in 2021 include inspections and enforcement actions associated with sites enrolled under the Cannabis Cultivation General Order. In addition to the 65 inspections of illegal cultivation sites noted in the ED Report, staff conducted 29 inspections of enrolled sites, including those considered relatively large or a greater threat to water quality, based on the Tier and Risk Level designations defined in the Cannabis Cultivation General Order. In staff's experience, site inspections coupled with timely inspection reporting and follow-up enforcement actions, as necessary, are the most effective means for ensuring water quality protections are implemented at cannabis cultivation sites.

Lastly, besides the 2 Cleanup and Abatement Orders (CAOs) issued by North Coast Cannabis Program staff on illegal cultivation sites noted in the ED Report, staff also issued 2 CAOs for enrolled sites, and assisted Office of Enforcement staff in issuing 2 additional CAOs on illegal sites in the North Coast Region.

More information about the North Coast Cannabis Program's many ongoing activities and accomplishments can be found in the Cannabis & Enforcement Division Work Plan for Fiscal Year 2022 - 2023, which will be presented to the Regional Water Board as an information item during its June 9, 2022 meeting (Agenda Item 7).

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### **April 2022 Cannabis Cultivation Program Report to the State Water Board Executive Director (reprinted below)**

This Water Boards' Cannabis Cultivation Program (Cannabis Cultivation Program or Program) update provides a summary of significant actions and achievements accomplished by the State Water Board's Division of Water Quality, Division of Water Rights, Office of Enforcement, and nine Regional Water Board staff (collectively referred to as the Water Boards) from September 1, 2021 to February 28, 2022. Additional information on the Cannabis Cultivation Program, including the [Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation](#) (Cannabis Policy), [General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities](#) (Cannabis Cultivation General Order), Cannabis Small Irrigation Use Registration (SIUR), and enforcement efforts, is available on the [Water Board's Cannabis Cultivation Program webpage](#) at: [www.waterboards.ca.gov/cannabis/](http://www.waterboards.ca.gov/cannabis/).

#### **Water Boards' Cannabis Cultivation Program**

The Cannabis Cultivation Program continues to operate with significant staff reductions associated with the 2020-21 Budget. Water quality staff in the program were reduced by approximately 50% due to funding shortfalls leaving most of the Regional Water Boards with two or less cannabis positions per region. On September 22, 2021, the Board adopted an updated fee schedule, which included 1) modest cannabis fee increases to the tier one and tier two cultivation sites (those sites with the highest threats to water

quality), 2) a tiered per acre surcharge for sites with greater than 2 acres and less than 230 acres under cultivation, and 3) an annual fee for indoor cultivation sites. The fee increase is expected to support three additional positions but will not remedy the effects of the staffing reductions from the 2020-21 Budget. Drought impacts have added additional resource constraints especially in the Division of Water Rights due to an increased number of complaints alleging water diversions at unauthorized cannabis cultivation sites that required investigation.

Despite these resource challenges, the program continues to perform its core regulatory functions such processing applications for enrollment, agency coordination, and enforcement; albeit on a limited scale due to resource constraints. In addition, enforcement, aimed at reducing negative impacts from illegal cultivation and non-compliance on permitted cultivation sites, is substantially hindered by the limited staffing resources compared to the sheer number of unregulated cultivation sites in the state. Water Board staff continue to coordinate and collaborate with our local and state partner agencies on methods to streamline data sharing, maximize enrollment, provide assistance to enrollees with respective permitting and licensing activities, and conduct enforcement on illegal cultivation sites.

September through February typically represents a reduced inspection period of illegal cultivation sites throughout much of the state because of limited outdoor cultivation occurring in the winter months. It also represents an opportunity to assess enrolled cultivation sites management of wet weather and any associated discharges and impacts to water quality; however, because of the limited staffing resources, few compliance inspections have been conducted during the winter period when the threat of discharges is highest. It is also a time when the Boards, in collaboration with our partner agencies, evaluate the previous growing season and look at improvements that can be implemented as we plan and set goals for the upcoming cultivation season that begins around April. With this in mind, we look back on some of the noteworthy aspects of the Program over the last six months as well as Program performance during the 2021 calendar year and goals for 2022.

### Enrollment

Each year, the Cannabis Program's Regional Boards, State Board Divisions, and Office of Enforcement (BDO), set their respective goals for the Program-wide metrics for the next calendar year. As shown in Table 1, the combined statewide 2021 goal for new enrollments in the General Order by the Regional Boards was 420. The goal for new enrollments in the General Order by the Regional Boards was exceeded by 276 enrollments. For 2022, the statewide goal for new enrollments by the Regional Boards in the Cannabis Cultivation General Order is 375 new enrollments (Table 3).

As shown in Table 2 below, the statewide 2021 goal for new SIUR enrollments by the Division of Water Rights was 60. The Division of Water Rights was able to enroll 33 SIURs in 2021. For 2022, the statewide goal for new SIUR enrollments by the Division of Water Rights remains 60 (Table 3).

The Division of Water Quality, as of July 1, 2021, is now processing all applications for enrollment statewide under the Cannabis Cultivation General Order, and enrolled 258 applicants between September 1, 2021 and February 28, 2022, bringing the total active

Cannabis Cultivation General Order enrollments to 6,279. Between September 1, 2021 and February 28, 2022, the Division of Water Rights has enrolled 18 SIURs, bringing the total to 663 SIURs.

### Enforcement

The Program had a couple of noteworthy successes in the courts since our last report. The first success is Shasta County Superior Court case *Khamvongsa v. Central Valley Regional Water Quality Control Board* (Central Valley Water Board) where on December 8, 2021, Judge Monique McKee denied a petition challenging Administrative Civil Liability (ACL) imposed by the Central Valley Water Board. The case is a great example of the immense effort and diligence of staff, coordination with our partner agencies, and the challenges faced in many of the Board's cannabis related enforcement cases. The case began in March 2015, with a joint inspection of the property by the Central Valley Water Board and Department of Fish and Wildlife staff because of unauthorized grading operations and dam construction. Although the landowner initially appeared cooperative, after four years of progressive enforcement that included four separate notices of violation, one draft and final cleanup and abatement order, one additional site inspection, and one noticed hearing on the ACL complaint, the Central Valley Water Board adopted a final ACL for \$150,000. This court case is especially noteworthy because of the service of process used by the Water Boards to serve the ACL complaint. The petitioner attempted to evade service of the documents forcing the Board to provide notice through newspaper publication. The denial of the petition by the superior court on the adopted ACL represents a hard-fought victory and the resource intensive nature of enforcement in this Program.

The second success is a case still underway in the courts, *People vs Andres Gonzalez Jr.* This is a criminal case where testimony by Program staff located in the Santa Ana Regional Board has been successful in a preliminary hearing to establish grounds for seeking felony penalty enhancements under Health and Safety Code 11358 for Water Code violations associated with unlicensed cannabis cultivation. This case is a great example of the support Water Board staff can provide to law enforcement in criminal cases.

Since the Program's last update, the North Coast Water Board has issued one cleanup and abatement order and the Division of Water Rights has issued four ACL complaints, three draft cease and desist orders (CDO), two final ACL orders, and two final CDOs. A hearing has been scheduled with the administrative hearings office in May 2022 on one of the Division's ACL complaints and draft CDOs, and one of the Division's final ACL orders has been paid.

Since the staffing reductions in 2020, the Program has focused enforcement efforts on unregulated cannabis cultivation sites due to the potential for adverse environmental impacts from such sites. Inspections on unregulated cannabis sites typically require a search warrant that is served by law enforcement. Unlike our partner agencies, the Water Boards do not have a law enforcement branch and thus are wholly dependent upon partner agencies for access to these inspections. Inspections are important because, in most enforcement cases, they serve as a primary source of evidence for documenting environmental harm resulting from non-compliance with regulatory

protections, they help facilitate enrollment in our regulatory programs when applicable and serve as a deterrent for illegal cultivation. As shown in Tables 1 and 2, in 2021, the Program exceeded its goal of conducting 189 inspections with a total of 316 for the year. As shown in Table 3, in 2022, the Program aims to conduct 235 inspections on unregulated cultivation sites. This is notably lower than inspections performed in 2021, largely due to anticipated demands on the Division of Water Rights staff for drought response.

In addition to having an effective enforcement presence in the field, it is equally important to have timely inspection reports issued. Inspection reports document the conditions on the site including violations of applicable regulations and resulting harm. The more quickly staff can produce inspection reports, the sooner the violations can be addressed through either voluntary compliance or further enforcement. Inspection reports provide notice to the appropriate parties and an opportunity to address the noted issues. Alternatively, inspection reports serve as the first step in enforcement actions when harmful practices or conditions continue. In 2021, the Program exceeded its goal of issuing 155 inspection reports within 30 days of the inspection. The goal for 2022 is 216 inspection reports issued within 30 days of the inspection date.

The Water Boards issued 12 formal enforcement actions in 2021, including clean up and abatement orders, ACLs, and CDOs, which is short of our goal of 39 enforcement actions (Tables 1-2). Water Board staff seek to resolve violations without the need for formal enforcement. In many cases, formal enforcement is not necessary to resolve violations and compliance is achieved more quickly and efficiently through informal enforcement. Additionally, formal enforcement is very resource intensive and the reduced staffing resources in the Program likely played a role in the reduced number of formal enforcement actions taken in the 2021 calendar year. The goal for 2022, is 26 formal enforcement actions.

### Outreach

Continuing COVID-19 concerns were a driving force behind the dominance of remote outreach events. As shown in Tables 1 and 2 below, most of the Program units managed to participate in outreach events in 2021 for a total of 17 events. This was still below the goal of 23 events. The Program's outreach participation goal for 2022, is 21 events. Table 4 shows the total number of coordinated outreach events that have occurred since January 1, 2021.

### *Conclusion*

As a result of Program staff's efforts last year from enrollment, enforcement, and outreach, more than 10,000 acres of cannabis cultivation are now permitted under the Water Board's Cannabis Cultivation General Order. In 2021, nearly 700 new cannabis sites were permitted for over 1,400 acres of cannabis cultivation. These efforts represent enrollment of cannabis cultivation sites that through implementation of the Cannabis Cultivation General Order and SIUR will ensure, to the greatest extent possible, that discharges and water diversion associated with cultivation do not adversely affect the quality and beneficial uses of the waters of the state. Additionally, over 300 cultivation sites that were in violation of those protective measures, are being addressed.

**TABLES 1 – 2 (January 1, 2021 – December 1, 2021)**

**Table 1 – Cannabis Cultivation Metrics Reported for Regional Water Boards (January 1, 2021 – December 31, 2021)**

		Region 1		Region 2		Region 3		Regions 4,8,9		Region 5		Regions 6,7	
Measure		Current	Goal	Current	Goal	Current	Goal	Current	Goal	Current	Goal	Current	Goal
Illegal Sites	Directive to Enroll <sup>1</sup>	56	30	0	2	14	15	0	0	12	30	2	15
	Enforcement <sup>2</sup>	2	8	0	0	0	0	1	10	0	2	0	4
	Inspections <sup>3</sup>	49 <u>65</u> <sup>6</sup>	36	0	0	3	4	26	20	16	36	7	8
Inspection Reports	Issued > 30 Days	46	-	6	-	2	-	-	-	28	-	8	-
	Issued ≤ 30 Days	47	30	0	8	4	4	33	20	11	30	2	8
New Enrollments <sup>4</sup>		185	120	50	30	45	50	84	60	271	120	61	40
Outreach Events <sup>5</sup>		1	0	0	0	1	2	3	3	3	10	2	0

<sup>1</sup> Directive to Enroll: 13260 Letters

<sup>2</sup> Enforcement: Administrative Civil Liability, Cleanup and Abatement Orders, or Cease and Desist Orders issued to unregulated cultivation sites

<sup>3</sup> Inspections: Performed on unregulated cultivation sites

<sup>4</sup> New Enrollments: Cannabis Cultivation General Order 2019-0001-DWQ (Water Quality)

<sup>5</sup> Events attended or hosted by program staff to train and inform other agency staff and/or the public on cannabis related information including but not limited to the Cannabis Policy, Cannabis Cultivation General Order, and Cannabis SIUR

<sup>6</sup> This number has been updated to correct a reporting error in the original version of the ED Report.

**Table 2 – Cannabis Cultivation Programs Metrics Reported for State Water Board (January 1, 2021 – December 31, 2021)**

		Division of Water Quality		Division of Water Rights		Office of Enforcement		Program Summary (Tables 1&2)
Measure		Current	Goal	Current	Goal	Current	Goal	Current Total
Illegal Sites	Directive to Enroll <sup>1</sup>	-	-	189	50	9	20	282
	Enforcement <sup>2</sup>	-	-	7	7	2	8	12
	Inspections <sup>3</sup>	-	-	131	50	33	35	316
Inspection Reports	Issued > 30 Days	-	-	76	-	25	-	191
	Issued ≤ 30 Days	-	-	54	35	9	20	160
New Enrollments <sup>4</sup>		-	-	33	60	-	-	729
Outreach Events <sup>5</sup>		2	3	4	4	1	1	17

<sup>1</sup> Directive to Enroll: 13260 Letters (Water Quality) and Notices of Violation (Water Rights)

<sup>2</sup> Enforcement: Cleanup and Abatement Orders (Water Quality), Cease and Desist Orders, or Administrative Civil Liability issued to unregulated cultivation sites

<sup>3</sup> Inspections: Performed on unregulated cultivation sites

<sup>4</sup> New Enrollments: Small Irrigation Use Registrations (Water Rights)

<sup>5</sup> Events attended or hosted by program staff to train and inform other agency staff and/or the public on cannabis related information including but not limited to the Cannabis Policy, Cannabis Cultivation General Order, and Cannabis SIUR

**Table 3 – Cannabis Cultivation Program Metric Goals 2022 (January 1, 2022 – December 31, 2022)**

		Region 1	Region 2	Region 3	Regions 4,8,9	Region 5	Regions 6,7	Division of Water Quality	Division of Water Rights	Office of Enforcement
Measure		Goal	Goal	Goal	Goal	Goal	Goal	Goal	Goal	Goal
Illegal Sites	Directive to Enroll <sup>1</sup>	0	0	30	0	15	1	-	20	0
	Enforcement <sup>2</sup>	5	0	1	3	5	3	-	7	2
	Inspections <sup>3</sup>	50	0	15	25	40	20	-	50	35
Inspection Reports	Issued > 30 Days	-	-	-	-	-		-	-	-
	Issued ≤ 30 Days	40	6	15	25	40		-	40	30
New Enrollments <sup>4</sup>		100	30	40	60	100	45	-	60	
Outreach Events <sup>5</sup>		0	1	1	3	6	2	3	4	1

<sup>1</sup> Directive to Enroll: 13260 Letters (Water Quality) and Notice of Violation (Water Rights)

<sup>2</sup> Enforcement: Cleanup and Abatement Orders (Water Quality), Cease and Desist Orders, or Administrative Civil Liability issued to unregulated cultivation sites

<sup>3</sup> Inspections: Performed on unregulated cultivation sites

<sup>4</sup> New Enrollments: Cannabis Cultivation General Order 2019-0001-DWQ (Water Quality), Small Irrigation Use Registrations (Water Rights)

<sup>5</sup> Events attended or hosted by program staff to train and inform other agency staff and/or the public on cannabis related information including but not limited to the Cannabis Policy, Cannabis Cultivation General Order, and Cannabis SIUR

**Table 4 – Coordinated Public Outreach – Cannabis Cultivation Program<sup>1</sup> (January 1, 2021 – February 28, 2022)**

<b>Date and Location</b>	<b>Event Details</b>	<b>Participating Agencies</b>
Thursday, January 21, 2021 Webcast Nevada County	Nevada County Get Legit - Environmental Compliance Estimated Attendance: 37	Division of Water Rights, Central Valley Water Board, Department of Fish and Wildlife
Thursday, February 11, 2021 Webcast Nevada County	Pesticide & Water Board Reporting Requirements Estimated Attendance: 22	Central Valley Water Board, Nevada County Department of Agriculture
Friday, February 19, 2021 Webcast Region 3	Virtual Annual Reporting Workshop Estimated Attendance: 40	Central Coast Water Board
Thursday, March 04, 2021 Webcast	2021 Online Cannabis Permitting Webinar Estimated Attendance: 213	Division of Water Quality, Division of Water Rights, Department of Fish and Wildlife, Department of Cannabis Control, Franchise Tax Board, Ag Labor Relations Board
Thursday, September 09, 2021 Webcast	Nevada County Cannabis Alliance Get Legit Webinar	Division of Water Rights, Central Valley Water Board, Department of Fish and Wildlife
Wednesday, July 07, 2021 Los Angeles	LA County Sheriff's Dept. Press Conference	Los Angeles Water Board, Santa Ana Water Board, San Diego Water Board, Department of Fish and Wildlife
Tuesday, August 10, 2021 Santa Rosa (Zoom meeting)	Visioning Sessions (2) for Sonoma County's Cannabis Program Estimated Attendance: 100	North Coast Water Board
Tuesday, August 31, 2021 Remote	San Bernardino County Cannabis Task Force Estimated Attendance: 40	Los Angeles Water Board, Santa Ana Water Board, San Diego Water Board, Lahontan Water Board, Colorado River Water Board, Department of Fish and Wildlife, Department of Cannabis Control
Wednesday, November 17, 2021 Remote	Commercial Cannabis Workshop	Division of Water Rights, Department of Fish and Wildlife, Department of Cannabis Control, Office of Enforcement
Thursday, January 20, 2022 Remote	R5 Annual Report Outreach Event	Division of Water Quality, Central Valley Water Board

<sup>1</sup> This table represents public outreach. Staff from the Regional Water Boards, Division of Water Rights, Division of Water Quality, and Office of Enforcement coordinate closely throughout the state with the California Department of Fish and Wildlife, Department of Cannabis Control, and counties on enforcement efforts but these ongoing coordination efforts are not included as Program metrics and therefore not included in this table.

# Enforcement Report for June 2022 Executive Officer's Report

*Kason Grady, Jeremiah Puget, Jordan Filak, and Zane Stromberg*

Summary of Enforcement Actions issued between: **March 16, 2022, and May 23, 2022.**

Throughout the year, Enforcement Unit staff, with support from the State Water Board's Office of Enforcement and other regulatory program staff in the region, develop and manage enforcement cases that result in formal enforcement actions such as a Cleanup and Abatement Order (CAO), Cease and Desist Order (CDO), and Administrative Civil Liability (ACL) Complaint. Once it has been determined that an enforcement action will result in the issuance of an ACL Complaint, the Enforcement Team will prepare supporting evidence and provide the discharger an opportunity to meet and discuss the facts relating to the violations, including the option of settlement, before a Complaint is issued.

The tables on the following pages provide summaries of relevant details for enforcement actions during the timeframe covered by this report. Table 1 summarizes NNCs, NOVs, CAOs, Investigative Orders (13267 Orders), and CDOs. Table 2 summarizes ACL Complaints, ACL Orders and settlement negotiations pending the adoption/ finalization of a Stipulated ACL Order.

## **Table notes and other acronyms.**

Basin Plan	Water Quality Control Plan for the North Coast Region
BMPs	Best Management Practices
CDFW	California Department of Fish and Wildlife
CRMP	Cleanup, Restoration, and Monitoring Plan
CSD	Community Services District
CP	Compliance Project
DIV	State Water Board Division of Water Rights
ECA	Enhanced Compliance Action
IGP	Industrial General Permit
NEC	No Exposure Certification
NOI	Notice of Intent
NMP	Nitrogen Management Plan
NNC	Notice of Non-Compliance
NPDES	National Pollutant Discharge Elimination System
MMPs	Mandatory Minimum Penalties
MRP	Monitoring and Reporting Program
RMMP	Restoration and Mitigation Monitoring Plan
ROWD	Report of Waste Discharge
SEP	Supplemental Environmental Project
SMP	Site Management Plan
SWPPP	Storm Water Pollution Prevention Plan
WDRs	Waste Discharge Requirements

**Table 1. - Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders**

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of May 23, 2022
<a href="#">NOV</a> March 16, 2022	Toshko Toshkov,  Rudy Chacon,  Ted Nash	Humboldt Maple Creek  Mad River (Butler Valley)	Cannabis  Warrant Inspection October 16, 2020	-Failure to comply with <a href="#">CAO Order No R1-2021-0031 by failing to</a> submit a complete and acceptable CRMP by July 1, 2021, and for failure to implement an approved CRMP by October 15, 2021  -Failure to obtain regulatory coverage for Cannabis Cultivation	-Contact staff and submit a CRMP as soon as possible to minimize potential additional ACL	-Water Board Staff is still awaiting a response from the Discharger
<a href="#">CAO Extension</a> March 15, 2022	Young Jacobsen  California Property Solutions, LLC  Tina Lyn &  Diane Sodosky Patient 2 Patient, Inc.	Humboldt Benbow  South Fork Eel River	Cannabis  Warrant Inspection September 18, 2018	-Not Applicable. The Executive Officer extended deadlines for Required Action Nos. 1 and 5 to provide enough time to conduct wet weather monitoring at the potential wetland sites	-Submit a CRMP by May 15, 2022  -Complete implementation of an approved CRMP by October 15, 2022	-Water Board Staff is still awaiting a response from the Discharger

**Table 1. - Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders**

Action/Date Issued	Owner/Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of May 23, 2022
<a href="#">CAO &amp; 13267 Order</a> March 18, 2022	Daniel Maldonado Suarez	Mendocino Piercy Middle Main Fork Eel River	Cannabis Warrant Inspection May 13, 2021	<ul style="list-style-type: none"> <li>-Failure to Comply with NOV from June 11, 2021</li> <li>-Failure to Comply with Basin Plan section 4.2.1</li> <li>-Failure to Comply with Federal Clean Water Act sections 301 (a), 401, &amp; 404</li> <li>-Failure to Comply with Cannabis General Order No. WQ-2019-0001-DWQ and the Cannabis Cultivation Policy Principles and Guidelines for Cannabis Cultivation (Cannabis Policy)</li> </ul>	<ul style="list-style-type: none"> <li>-Enroll under the Cannabis General Order No. WQ-2017-0023-DWQ or file a ROWD specific to the property</li> <li>-Hire a qualified professional to develop and submit a work plan to remove the reservoir and restore aquatic resources on the property</li> <li>-Apply for and obtain a 401 Water Quality Certification/WDRs from Water Board before performing any instream work</li> </ul>	-Water Board Staff is awaiting a decision from the State Water Board in response to the discharger's petition challenging CAO Order No. R1-2022-0016 (petition date April 12, 2022)
<a href="#">NOV</a> March 18, 2022	Alicia Garcia	Trinity Zenia North Fork Eel River	Cannabis Warrant Inspection February 16, 2022	-Failure to Comply with Cannabis General Order No. WQ-2019-0001-DWQ and the Cannabis Policy	-Submit a wetland delineation of wetland features on the property and describe any impacts to waters of the state regarding construction and management of pond or any	As of May 23, 2022, Water Board Staff are in contact with Discharger's attorney and consultant. The Discharger

**Table 1. - Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders**

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of May 23, 2022
					other cannabis-related infrastructure  -Work with CDFW and DIV to determine and secure any applicable permits/ licenses required for stream diversion, storage, and use  -Remove cannabis cultivation infrastructure or enroll in the Cannabis General Order	intends to address the violations and recommendations in the NOV, and the consultant will be conducting a site visit soon
<a href="#">NOV</a>  March 18, 2022	Ignacio Almonte  Patricia Rodriguez	Trinity/ Zenia  North Fork Eel River	Cannabis Warrant Inspection February 16, 2022	- Violation of the State Water Resources Control Board Cannabis Cultivation Policy for failure to enroll under the Cannabis General Order, Order WQ 2019-0001-DWQ	-Contact staff within 30 days to advise of the discharger's intentions, plan, and schedule to submit a delineation of wetland features on the property, secure necessary permits for surface water diversion, and remove cannabis cultivation infrastructure or enroll in the Cannabis General Order	Water Board Staff are in contact with the Discharger's attorney and consultant. The Discharger intends to address the violations and recommended actions in the NOV

**Table 1. - Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders**

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of May 23, 2022
<p><a href="#"><u>NOV</u></a> March 29, 2022</p>	<p>Adesa Organics, LLC  Ms. Laura Borusas</p>	<p>Humboldt Bridgeville  Van Duzen River</p>	<p>Cannabis  Humboldt County Staff December 15, 2021 – the NOV was issued in response their findings</p>	<p>-Failure to Comply with Cannabis General Order No. WQ-2019-0001-DWQ and the Cannabis Policy  -Failure to Comply with Basin Plan section 4.2.1</p>	<p>-Submit a description of the unauthorized discharge to surface waters/ observed impacts and proposal to resolve the impacts  -Submit a description of BMP failures resulting in discharges to surface waters and plan prevent future BMP failures and unauthorized discharges  -Submit an updated SMP and NMP, and a plan for resolving BMP failures with a site map, photos of resolved BMPs, and technical designs to prevent future discharges to surface waters</p>	<p>As of May 23, 2022, Water Board Staff is in correspondence with the discharger, who is working to address violations in the NOV. An NOV timeline extension has been granted to allow the discharger more time to address violations. This matter is ongoing</p>

**Table 1. - Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders**

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of May 23, 2022
<a href="#">NNC &amp; NOV</a>  April 20, 2022	David Wiggins Lux Metals, Inc.	Sonoma Santa Rosa  Middle Russian River	NPDES Storm Water  March 28, 2022, NEC Review	-Failure to Comply with IGP Section XVII.F.2 NEC Permit Registration Documents Required for Initial NEC Coverage	-File a NOI for full IGP coverage for the facility by June 20, 2023 to avoid further penalty	-The discharger has remained in correspondence with Regional Water Board staff since issuance of the NOV/NNC and is currently preparing SWPP before submittal of the NOI. This matter is ongoing
<a href="#">NOV</a>  May 19, 2022	Hector Felix	Mendocino Hopland  Upper Russian River	Cannabis  Warrant Inspection April 20, 2022	-Failure to Comply with Cannabis General Order No. WQ-2019-0001-DWQ and the Cannabis Policy  -Failure to Comply with Basin Plan section 4.2.1	-Immediately collect refuse discharged and threatening to discharge to waters of the state  -Work with CDFW and DIV to determine and secure any applicable permits/licenses required for stream diversion, storage, and use  -Enroll under the Cannabis General Order No. WQ- 2017-0023-DWQ or file a	-Staff is awaiting a response from the discharger. This matter is ongoing

**Table 1. - Notice of Non-Compliance, Notice of Violation, Cleanup and Abatement Orders, Investigative Orders (13267 Orders), Cease and Desist Orders**

Action/ Date Issued	Owner/ Operator Name	County Nearest Town Watershed	Program & Inspection Type/Date	Violation Types	Required/ Recommended Actions	Status as of May 23, 2022
					ROWD specific to the property  -Apply for and obtain a 401 Water Quality Certification/WDRs from Water Board before performing any instream work	

**Table 2. - Administrative Civil Liabilities and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of May 18, 2022
Crescent City - Wastewater Treatment Facility	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$48,000	Invitation issued on 11/16/2021 Violation Period: September 22, 2015 to April 15, 2022	Stipulated Order No. R1-2022-0021 sent to Discharger for Signature
City of Eureka – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$150,000	Invitation issued on 11/16/2021 Violation Period: July 3, 2017 to May 1, 2022	Settlement Negotiations Underway
City of Ferndale – Wastewater	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$18,000	Invitation issued on 11/16/2021 Violation Period:	Settlement Negotiations Underway

**Table 2. - Administrative Civil Liabilities and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of May 18, 2022
Treatment Plant				April 13, 2017 to May 1, 2022	
City of Loleta – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$189,000	Invitation issued on 11/16/2021 Violation Period: March 15, 2018 to December 31, 2021	Settlement Negotiations Underway
McKinleyville Community Services District – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$12,000	Invitation issued on 8/15/2021 Violation Period: March 10, 2010 to January 31, 2022	<a href="#">Settlement Agreement and Stipulation for Entry of ACL Order Number R1-2022-0014</a> adopted on March 22, 2022
City of Rio dell – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$21,000	Invitation issued on 11/17/2021 Violation Period: May 1, 2016 to December 31, 2021	Settlement Negotiations Underway
City of Ukiah – Wastewater Treatment Plant	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$75,000	Invitation issued on 11/16/2021 Violation Period: January 4, 2017 to December 31, 2021	Settlement Negotiations Underway
City of Arcata – Wastewater Treatment Facility	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$27,000	Invitation issued on 09/20/2021 Violation Period: March 1, 2019 to April 19, 2022	Settlement Negotiations Underway

**Table 2. - Administrative Civil Liabilities and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of May 18, 2022
California Redwood Company – Korbelt Sawmill	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$57,000	Invitation issued on 10/04/2021 Violation Period: June 1, 2019 to April 14, 2022	Settlement Negotiations Underway
Town of Scotia CSD - Wastewater Treatment Facility	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$93,000	Modified Expedited Payment Letter w/ CP Option issued August 18, 2021 Violation Period: December 5, 2017 to March 30, 2021	Settlement Negotiations Underway
Humboldt Sawmill Company – (Eel River Power)	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$33,000	Modified Expedited Payment Letter w/ SEP Option issued August 18, 2021 Violation Period: July 12, 2017 to March 30, 2021	Settlement Negotiations Underway
Humboldt State University – Telonicher Marine Laboratory	NPDES Wastewater	NPDES Permit Late Reporting Violations subject to MMPs	\$3,000	Revised Expedited Payment Letter issued on May 11, 2022	Settlement Negotiations Underway
City of Fortuna Wastewater Treatment Facility	NPDES Wastewater	NPDES Permit Effluent Limit Violations subject to MMPs	\$45,000	Invitation issued on 01/12/2021 Violation Period: March 1, 2017 to January 31, 2021	Settlement Agreement and Stipulation for Entry of <a href="#">ACL Order Number R1-2021-0044</a> adopted on March 15, 2022
Hugh Reimers and Krasilsa	Non-Point Source	-Basin Plan Section 4.2.1	\$3,750,852	ACL Complaint issued on May 9, 2022 covers the	Regional Water Board Assistant Executive

**Table 2. - Administrative Civil Liabilities and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of May 18, 2022
Pacific Farms LLC	Program Complaint Response	<p>-Water Code Section 13376 for Dredge/ Fill in Wetlands designated as waters of the United States</p> <p>-CAO Required Action 5 for failure to submit RMMP acceptable to the Regional Water Board or it's Delegated Officer</p> <p>-CAO Required Action 9 for failure to implement an approved RMMP</p>		<p>period between July 31, 2018 and May 9, 2022, and includes allegations that Hugh Reimers and Krasilisa Pacific Farms LLC violated the Basin Plan and Clean Water Act Section 301 by filling or allowing fill to be placed in watercourses and wetlands on the property.</p>	<p>Officer issued <a href="#">ACL Complaint No. R1-2022-0024</a>. The dischargers may avoid a Regional Water Board hearing on the Complaint within 90-days by formally waving the right to a hearing, or by providing payment for the proposed liability amount.</p>
Russian River CSD and Sonoma Water Agency	NPDES Wastewater	<p>Violations of the Sanitary Sewer Order including unauthorized discharge of 2.33 million gallons of raw sewage from the Russian River CSD collection system to the Russian River.</p>	<p>Statutory Maximum \$23.31 million</p>	<p>Invitation issued on June 15, 2021 Violation Period: 2017 and 2019</p>	<p>Settlement Negotiations Underway</p>

**Table 2. - Administrative Civil Liabilities and Settlement Discussions (Invited, Underway, or Completed)**

Discharger	Program	Violation Type	Proposed Liability Amount	Comments	Status as of May 18, 2022
Enclave, LLC- Marlow Commons Development Site	NPDES Storm Water	Violation of Construction Stormwater General Permit requirements including failure to implement effective and adequate minimum BMPs resulting in the release of sediment from the site to a municipal storm drain discharging to Piner Creek, a tributary to the Russian River.	\$46,200	Invitation issued on August 2, 2021 Violation Period: December 2019	Settlement Negotiations Underway.
BoDean Company, Inc.- Mark West Quarry Site	NPDES Storm Water	Violation of Industrial General Permit requirements including failure to implement effective and adequate minimum and advanced BMPs resulting in the discharge of 10.5 million gallons of sediment laden stormwater to Porter Creek, a tributary to the Russian River.	\$4.5 million	<a href="#">ACLIC Order No. R1-2021-0047</a> issued on September 10, 2021 Violation Period: December 2018 – August 2020	Settlement Negotiations Underway
Rodney Strong Vineyards	WDRs to Land and NPDES Storm Water	97,000 gallons of wine discharged into Reiman Creek, a tributary to the Russian River, a water of the United States, in violation of discharge prohibitions in the Industrial General Permit and WDRs Order No. 88-54	\$116,400	Invitation issued on September 14, 2021 Violation Period: January 2020	Settlement Negotiations Underway.



## **Projected List of Future Regional Water Board Agenda Items**

The following is a list of Regional Water Board agenda items that staff are planning for the next three Board meetings. **This list of agenda items is intended for general planning purposes and is subject to change.** Questions regarding the listed agenda items should be addressed to the identified staff person.

### **August 4 & 5, 2022**

- Mendocino City WWTP NPDES (*Matt Herman*) [A]
- Potential hearing for 2 Administrative Civil Liability Complaint(s) (*TBD*) [A]
- Update on Environmental Flows Framework (*Bryan McFadin; Division of Water Rights Staff invited*) [I]

### **August 30, 2022 – Special Meeting in Eureka**

- Elk River TMDL 5-Year Review (*Lisa Bernard & Alydda Mangelsdorf; invited presenters*) [I]

### **October 6 & 7, 2022**

- Healdsburg WWTP NPDES Permit (*Matt Herman*) [A]
- Groundwater Protection Strategy Policy Statement (*Chris Watt*) [A]
- Potential Pending ACLC (*Staff TBD*) [A]
- Update on Enforcement Priorities & SEP (*Kason Grady*) [I]
- Grants Program Update (*Carriann Lopez*) [I]

